

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COLLATERAL ANALYTICS,

Plaintiff,

v.

NATIONSTAR MORTGAGE, LLC, et al.,

Defendants.

Case No. [18-0019 RS \(JSC\)](#)

**ORDER REGARDING
COUNTERCLAIM DISPUTE**

Dkt. No. 110

Now pending before the Court is the parties' joint discovery letter regarding a dispute as to Defendants' use of its review of Plaintiff's source code to assert trade secret misappropriation counterclaims. (Dkt. No. 110.) Plaintiff insists that because it provided its source code to Defendants to facilitate Defendants' understanding of Plaintiff's trade secret claims, Defendants are precluded from using what they learned in the review to assert their own trade secret claims. While the district court, and not this Court, will decide whether to grant Defendants leave to amend to assert the trade secret counterclaims, as a discovery matter this Court declines to impose the limitation urged by Plaintiff. Plaintiff does not identify any agreement that limited the use Defendants could make of what they learned and there is nothing in the record that suggests that Defendants intentionally made any misrepresentations to Plaintiff, by omission or otherwise. Plaintiff's reliance on *Jardin v. DATAlegro, Inc.*, No. 10-CV-2552-IEG (WVG), 2011 WL 3299395, at *5 (S.D. Cal. July 29, 2011) fails to persuade this Court. There the plaintiff learned information in a 2008 case that was covered by a protective order that restricted the plaintiff from using the information outside the case. *Id.* at * 1. No such protective order exists here. Accordingly, Plaintiff's request is denied.

This Order disposes of Docket No. 110.

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IT IS SO ORDERED.

Dated: November 1, 2018


JACQUELINE SCOTT CORLEY
United States Magistrate Judge